

the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

79.5 INTELLIGENCE AUTHORIZATION

The SPEAKER pro tempore, Mr. HUTTO, pursuant to House Resolution 468 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. WISE, Acting Chairman, assumed the chair; and after some time spent therein,

79.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. FRANK:

Page 4, after line 23, add the following:

SEC. 104. REDUCTION IN COUNTERNARCOTIC AND DRUG INTERDICTION FUNDS.

The amounts authorized to be appropriated under section 101 for counternarcotic activities and drug interdiction, as specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress, are hereby reduced by \$100,000,000.

It was decided in the { Yeas 18
negative } Nays 406

79.7 [Roll No. 335]

AYES—18

Conyers	McDermott	Penny
DeFazio	Murphy	Schroeder
Edwards (CA)	Nadler	Synar
Frank (MA)	Norton (DC)	Velazquez
Jacobs	Obey	Visclosky
Kanjorski	Olver	Yates

NOES—406

Abercrombie	Borski	Cramer
Ackerman	Boucher	Crane
Allard	Brewster	Crapo
Andrews (ME)	Brooks	Cunningham
Andrews (NJ)	Browder	Danner
Andrews (TX)	Brown (CA)	Darden
Applegate	Brown (FL)	de la Garza
Archer	Brown (OH)	de Lugo (VI)
Armey	Bryant	Deal
Bacchus (FL)	Bunning	DeLauro
Bachus (AL)	Burton	DeLay
Baesler	Buyer	Dellums
Baker (CA)	Byrne	Derrick
Baker (LA)	Callahan	Deutsch
Ballenger	Calvert	Diaz-Balart
Barca	Camp	Dickey
Barcia	Canady	Dicks
Barlow	Cantwell	Dingell
Barrett (NE)	Cardin	Dixon
Barrett (WI)	Carr	Dooley
Bartlett	Castle	Doolittle
Barton	Chapman	Dorman
Becerra	Clay	Dreier
Beilenson	Clayton	Duncan
Bentley	Clement	Dunn
Bereuter	Clinger	Durbin
Berman	Coble	Edwards (TX)
Bevill	Coleman	Ehlers
Bilbray	Collins (GA)	Emerson
Bilirakis	Collins (IL)	Engel
Bishop	Collins (MI)	English
Blackwell	Combest	Eshoo
Bliley	Condit	Evans
Blue	Cooper	Everett
Boehlert	Coppersmith	Ewing
Boehner	Costello	Farr
Bonilla	Cox	Fawell
Bonior	Coyne	Fazio

Fields (LA)	Lazio	Roberts
Fields (TX)	Leach	Roemer
Filner	Lehman	Rogers
Fingerhut	Levin	Rohrabacher
Fish	Levy	Romero-Barcelo
Flake	Lewis (CA)	(PR)
Foglietta	Lewis (FL)	Rose
Ford (MI)	Lewis (GA)	Rostenkowski
Ford (TN)	Lewis (KY)	Roth
Fowler	Lightfoot	Roukema
Franks (CT)	Linder	Rowland
Franks (NJ)	Lipinski	Roybal-Allard
Frost	Livingston	Royce
Furse	Lloyd	Rush
Gallegly	Long	Sabo
Gejdenson	Lowey	Sanders
Gekas	Lucas	Sangmeister
Gephardt	Machtley	Santorum
Geren	Maloney	Sarpalius
Gibbons	Mann	Sawyer
Gilchrest	Manton	Saxton
Gillmor	Manzullo	Schaefer
Gilman	Margolies-	Schenk
Gingrich	Mezvinsky	Schiff
Glickman	Markey	Schumer
Gonzalez	Martinez	Scott
Goodlatte	Matsui	Sensenbrenner
Goodling	Mazzoli	Serrano
Gordon	McCandless	Sharp
Goss	McCloskey	Shaw
Grams	McCollum	Shays
Grandy	McCrery	Shepherd
Green	McCurdy	Shuster
Greenwood	McHale	Skaggs
Gunderson	McHugh	Skeen
Hall (OH)	McInnis	Skelton
Hall (TX)	McKeon	Slattery
Hamburg	McKinney	Slaughter
Hamilton	McMillan	Smith (IA)
Hancock	McNulty	Smith (MI)
Hansen	Meehan	Smith (NJ)
Harman	Meek	Smith (OR)
Hastert	Menendez	Smith (TX)
Hastings	Meyers	Snowe
Hayes	Mfume	Solomon
Hefley	Mica	Spence
Hefner	Michel	Spratt
Herger	Miller (CA)	Stearns
Hilliard	Miller (FL)	Stenholm
Hinchee	Mineta	Strickland
Hoagland	Minge	Studds
Hobson	Mink	Stump
Hochbrueckner	Moakley	Stupak
Hoekstra	Molinari	Sundquist
Hoke	Mollohan	Swett
Holden	Montgomery	Swift
Horn	Moorhead	Talent
Houghton	Moran	Tanner
Hoyer	Morella	Tauzin
Huffington	Murtha	Taylor (MS)
Hughes	Myers	Taylor (NC)
Hunter	Neal (MA)	Tejeda
Hutchinson	Neal (NC)	Thomas (CA)
Hutto	Nussle	Thomas (WY)
Hyde	Oberstar	Thompson
Inglis	Ortiz	Thornton
Inslie	Orton	Thurman
Istook	Oxley	Torkildsen
Jefferson	Packard	Torres
Johnson (CT)	Pallone	Torricelli
Johnson (GA)	Parker	Towns
Johnson (SD)	Pastor	Trafigant
Johnson, E. B.	Paxon	Tucker
Johnson, Sam	Payne (NJ)	Unsoeld
Johnston	Payne (VA)	Upton
Kaptur	Pelosi	Valentine
Kasich	Peterson (FL)	Vento
Kennedy	Peterson (MN)	Volkmer
Kennelly	Petri	Vucanovich
Kildee	Pickle	Walker
Kim	Pombo	Walsh
King	Pomeroy	Waters
Kingston	Porter	Watt
Klecza	Portman	Waxman
Klein	Poshard	Weldon
Klink	Price (NC)	Wheat
Klug	Pryce (OH)	Whitten
Knollenberg	Quillen	Williams
Kolbe	Quinn	Wilson
Kopetski	Rahall	Wise
Kreidler	Ramstad	Wolf
Kyl	Rangel	Woolsey
LaFalce	Ravenel	Wyden
Lambert	Reed	Wynn
Lancaster	Regula	Young (AK)
Lantos	Reynolds	Young (FL)
LaRocco	Richardson	Zeliff
Laughlin	Ridge	Zimmer

Bateman	Inhofe	Stark
Clyburn	McDade	Stokes
Faleomavaega	Owens	Underwood (GU)
(AS)	Pickett	Washington
Gallo	Ros-Lehtinen	
Gutierrez	Sisisky	

NOT VOTING—15

Bateman	Inhofe	Stark
Clyburn	McDade	Stokes
Faleomavaega	Owens	Underwood (GU)
(AS)	Pickett	Washington
Gallo	Ros-Lehtinen	
Gutierrez	Sisisky	

So the amendment was not agreed to. After some further time,

The SPEAKER pro tempore, Mr. TORRES, assumed the Chair.

When Mr. PETERSON of Florida, Acting Chairman, pursuant to House Resolution 468, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1995".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The National Reconnaissance Office.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Department of State.
- (8) The Department of the Treasury.
- (9) The Department of Energy.
- (10) The Federal Bureau of Investigation.
- (11) The Drug Enforcement Administration.
- (12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1995 the sum of \$91,800,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1996.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Account of the Director of Central Intelligence is authorized

209 full-time personnel as of September 30, 1995. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) **REIMBURSEMENT.**—During fiscal year 1995, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1995 the sum of \$198,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 303. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) **SENSE OF CONGRESS.**—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) **NOTICE REQUIREMENT.**—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 304. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS.

During the fiscal year 1995, no element of the United States Government for which funds are authorized in this Act may provide any classified information concerning or derived from the intelligence or intelligence-related activities of any such element to a Member of the House of Representatives unless and until a copy of the following oath of secrecy has been signed by that Member and has been published in the Congressional Record.

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal Year 1995 in the course of my duties as a Member of the United States House of Representatives, except pursuant to the Rules and Procedures of the House."

SEC. 305. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS AND EXECUTIVE BRANCH OFFICERS AND EMPLOYEES.

During the fiscal year 1995, no element of the United States Government for which

funds are authorized in this Act may provide any classified information concerning or derived from the intelligence or intelligence-related activities of such element to a Member of Congress or to an officer or employee of the executive branch of the United States Government unless and until a copy of the following oath of secrecy has been signed by that Member, or officer or employee, as the case may be, and has been published, in an appropriate manner, in the Congressional Record:

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal Year 1995 in the course of my duties as a Member of Congress (except pursuant to the rules and procedures of the appropriate House of the Congress), or as an officer or employee in the executive branch of the Government, as the case may be."

As used in this section, the term "Member of Congress" means a Member of the Senate or a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZATION.

Section 4(a)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(e)(a)) is amended—

(1) in subparagraph (A)—

(A) by striking ", not the result of vicious habits, intemperance, or misconduct on his part,";

(B) by striking "he shall deem" and inserting "the Director deems";

(C) by striking "section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)" and inserting "section 5731 of title 5, United States Code";

(D) by striking "his recovery" and inserting "the recovery of such officer or employee"; and

(E) by striking "his return to his post" and inserting "the return to the post of duty of such officer or employee";

(2) in subparagraph (B), by striking "his opinion" both places it appears and inserting "the opinion of the Director"; and

(3) in subparagraph (C), by striking ", not the result of vicious habits, intemperance, or misconduct on his part.".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL MANAGEMENT.

(a) **GENERAL PROVISIONS.**—Chapter 83 of title 10, United States Code, is amended as follows:

(1) By amending the heading of the chapter to read as follows:

"CHAPTER 83—DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL."

(2) In section 1601—

(A) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (a);

(B) by inserting "or the Central Imagery Office" after "outside the Defense Intelligence Agency" and inserting ", the Central Imagery Office," after "to the Defense Intelligence Agency" in subsection (d); and

(C) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e).

(3) In section 1602, by inserting "and Central Imagery Office" after "Defense Intelligence Agency".

(4) In section 1604—

(A) by inserting "and the Central Imagery Office," after "Defense Intelligence Agency" in subsection (a)(1);

(B) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in both places it occurs in the second sentence of subsection (b);

(C) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (c);

(D) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (d);

(E) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e)(1); and

(F) in subsection (e)(3)—

(i) by amending the first sentence to read as follows: "The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency, the Director of the Central Imagery Office, or all three."; and

(ii) by striking "either" and inserting "any".

(b) **CONFORMING CHANGE TO TITLE 10.**—The items relating to chapter 83 in the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended to read as follows:

"83. Defense Intelligence Agency and Central Imagery Office Civilian Personnel 1601".

(c) **CHAPTER 23 OF TITLE 5.**—Section 2302(a)(2)(C)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency".

(d) **CHAPTER 31 OF TITLE 5.**—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency".

(e) **CHAPTER 43 OF TITLE 5.**—Section 4301(1)(B)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency".

(f) **CHAPTER 47 OF TITLE 5.**—Section 4701(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency".

(g) **CHAPTER 51 OF TITLE 5.**—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting "; or"; and

(3) by adding at the end the following: "(xi) the Central Imagery Office, Department of Defense."

(h) **CHAPTER 51 OF TITLE 5.**—Section 5342(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (J);

(2) by inserting "or" after the semicolon at the end of subparagraph (K); and

(3) by adding at the end the following: "(L) the Central Imagery Office, Department of Defense;".

(i) **ADDITIONAL LEAVE TRANSFER PROGRAMS.**—(1) Section 6339(a)(1) of title 5, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) the Central Imagery Office; and".

(2) Section 6339(a)(2) of such title is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) with respect to the Central Imagery Office, the Director of the Central Imagery Office; and"; and

(D) in subparagraph (F), as redesignated by subparagraph (B) of this paragraph, by striking "paragraph (I)(E)" and inserting "paragraph (I)(F)" both places it appears.

(j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by inserting "or" at the end of subparagraph (G); and

(3) by adding at the end the following:

"(H) the Central Imagery Office;".

(k) CHAPTER 73 OF TITLE 5.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subclause (XI); and

(2) by adding at the end the following:

"(XIII) the Central Imagery Office; or".

(l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(m) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(n) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION BY DEPARTMENT OF DEFENSE INTELLIGENCE PERSONNEL OUTSIDE OF THE UNITED STATES.

(a) GENERAL PROVISIONS.—Chapter 21 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States

"Notwithstanding section 552a(e)(3) of title 5 or any other provision of law, Department of Defense intelligence personnel shall not be required, outside the United States, to give notice of governmental affiliation to potential United States person sources during the initial assessment contact. For the purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of such chapter is amended by adding at the end thereof the following new item:

"426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States."

TITLE VI—INSPECTORS GENERAL

SEC. 601. INSPECTORS GENERAL FOR DIA, NSA, AND CIA.

(a) DIA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to the Congress, to initiate and conduct independently in-

spections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the Defense Intelligence Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (a)(2) by inserting after "the United States International Trade Commission," the following: "the Defense Intelligence Agency,"; and

(B) by adding at the end the following:

"(i)(1) The Inspector General of the Defense Intelligence Agency shall be appointed by the Director of the Defense Intelligence Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the Defense Intelligence Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the Defense Intelligence Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the Defense Intelligence Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the Defense Intelligence Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office of Inspector General of the Defense Intelligence Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence

committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the Defense Intelligence Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the Defense Intelligence Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the Defense Intelligence Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the Defense Intelligence Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate ac-

count for the Office of Inspector General of the Defense Intelligence Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(3) IMPLEMENTATION.—The Director of the Defense Intelligence Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the Defense Intelligence Agency;

(B) appoint the Inspector General of the Defense Intelligence Agency; and

(C) transfer to that Office the office of the Defense Intelligence Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the Defense Intelligence Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the Defense Intelligence Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENT.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c) by striking "subsection (f)" and inserting "subsections (f) and (i)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—

(A) REPORTING REQUIREMENT.—Subchapter I of chapter 21 of title 10, United States Code, is amended after section 426, as added by section 502 of this Act, by inserting the following new section:

"§427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency

"(a) REPORTING REQUIREMENT.—The Director of the Defense Intelligence Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the Defense Intelligence Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(B) CLERICAL AMENDMENT.—The analysis at the beginning of subchapter I of chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency."

(b) NSA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to

programs and operations of the National Security Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the National Security Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of that Act is amended—

(A) in subsection (a)(2), as amended by subsection (a)(2) of this section, by inserting after "the Defense Intelligence Agency," the following: "the National Security Agency,"; and

(B) by adding after subsection (i), as added by subsection (a)(2) of this section, the following:

"(j)(1) The Inspector General of the National Security Agency shall be appointed by the Director of the National Security Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the National Security Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the National Security Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the National Security Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the National Security Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semi-annual report summarizing the activities of the Office of Inspector General of the National Security Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit

such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semi-annual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the National Security Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the National Security Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the National Security Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the National Security Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the National Security Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(3) IMPLEMENTATION.—The Director of the National Security Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the National Security Agency;

(B) appoint the Inspector General of the National Security Agency; and

(C) transfer to that Office the office of the National Security Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the National Security Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the National Security Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENTS.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c), as amended by subsection (a)(6) of this section, by striking "subsections (f) and (i)" and inserting "subsections (f), (i), and (j)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

"SEC. 19. (a) The Director of the National Security Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the National Security Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."

(8) RELATIONSHIP OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE TO THOSE OF DIA AND NSA.—Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(h)(1) The Inspector General of the Department of Defense shall not have any authority to conduct any activity with respect to any matter that the Secretary of Defense determines relates solely to the Defense Intelligence Agency or the National Security Agency.

"(2) Upon request of the Inspector General of the Defense Intelligence Agency or the National Security Agency, the Inspector General of the Department of Defense may provide to the Inspector General making the request such resources (including personnel) as are appropriate to enable that Inspector General to carry out activities authorized by this Act."

(c) CIA.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(1)—

(A) by striking "foreign intelligence." and inserting "foreign intelligence and in a Federal office of Inspector General.";

(B) by striking "or" after "analysis,"; and

(C) by striking the period at the end thereof and inserting ", or auditing.";

(2) in subsection (c)(1), by striking "to conduct" and inserting "to plan, conduct";

(3) in subsection (d)(1)—

(A) by striking "June 30 and December 31" and inserting "January 31 and July 31";

(B) by striking "period." at the end of the first sentence and inserting "periods ending December 31 (of the preceding year) and June 30, respectively."; and

(C) by inserting "of receipt of such reports" after "thirty days";

(4) in subsection (d)(3)(C), by inserting "inspection, or audit," after "investigation,";

(5) in subsection (d)(4), by inserting "or findings and recommendations" after "report"; and

(6) in subsection (e)(6)—

(A) by striking "it is the sense of Congress that"; and

(B) by striking "should" and inserting "shall".

TITLE VII—CLASSIFICATION MANAGEMENT

SEC. 701. DECLASSIFICATION PLAN.

Each agency of the National Foreign Intelligence Program to which is appropriated more than \$1,000,000 in the security, countermeasures, and related activities structural category for fiscal year 1995 shall allocate at least two percent of their total expenditure in this structural category for fiscal year 1995 to the classification management consolidated expenditure center, to be used for the following activities:

(1) Development of a phased plan to implement declassification guidelines contained in the executive order which replaces Executive Order 12356. Each such agency shall provide the plan to Congress within 90 days after the beginning of fiscal year 1995 or 90 days after the publication of such replacement executive order, whichever is later. This plan shall include an accounting of the amount of archived material, levels of classification, types of storage media and locations, review methods to be employed, and estimated costs of the declassification activity itself; as well as an assessment by the agency of the appropriate types and amounts of information to be maintained in the future, how it will be stored, safeguarded, and reviewed, and the projected costs of these classification management activities for the succeeding five years.

(2) Commencement of the process of declassification and reduction of the amount of archived classified documents maintained by each agency.

(3) Submission of a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate within 90 days after the end of fiscal year 1995 on the progress made in carrying out paragraph (2), with reference to the plan required by paragraph (1).

SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) PLAN.—Not later than 90 days after the date of enactment of this Act, the President shall develop a plan, and issue an executive order for its implementation, which provides for the classification and declassification of information. It is the sense of Congress that the plan should provide for the following:

(1) A test for the classification of information which balances the public's right to know against identifiable harm to the national security which will result from public disclosure.

(2) A narrow definition of the categories of information subject to classification to avoid excessive classification.

(3) Classification periods of reasonably short duration, and a determination of the date when or event upon which declassification of such information shall occur, with a recognition that extension of such period may be required in certain circumstances.

(4) Automatic declassification at the expiration of the classification period.

(b) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—The plan and executive order referred to in subsection (a) may not take effect until after 30 days after the date on which such plan and proposed regulation is submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate.

SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICATION.

Not later than 7 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report (in a classified and unclassified form) which identifies the following:

(1) The cost of classifying documents and keeping information classified by each agency within the intelligence community.

(2) The number of personnel within each such agency assigned to classifying documents and keeping information classified.

(3) A plan to reduce expenditures for classifying information and for keeping information classified, which shall include specific expenditure reduction goals for fiscal year 1995 for each such agency.

TITLE VIII—COUNTERINTELLIGENCE

SEC. 801. ACCESS TO CLASSIFIED INFORMATION.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"RULE OF APPLICATION

"SEC. 801. The President and Vice President, Members of the Congress (including any Resident Commissioner and Delegate to the House of Representatives), Justices of the Supreme Court, and Federal judges appointed by the President shall, by virtue of their elected or appointed positions, be entitled to access to classified information needed for the performance of their governmental functions without regard to the other provisions of this title.

"REGULATIONS

"SEC. 802. (a) The President shall, within 180 days after enactment of this title, direct the issuance of a regulation to implement this title.

"(b) The regulation issued pursuant to subsection (a) may not take effect until after 30 days after the date on which the regulation is submitted to the Congress.

"CONSENT FOR ACCESS TO FINANCIAL INFORMATION

"SEC. 803. Except as may be provided for in the regulation issued under section 802 of this title, after such regulation takes effect, no person shall be given access to classified information by any department, agency, or office of the executive branch unless such person has provided consent in accordance with this section. Such consent shall be provided to the investigative agency responsible for conducting the security investigation of such person, or in the case of a person who is an employee of the legislative branch or the

judicial branch, to the employing office of such employee. Such consent shall be provided during the initial background investigation, for such times as access to such information is maintained, and for three years thereafter. Such consent shall permit access to—

“(1) financial records held by a financial agency or financial institution;

“(2) consumer reports held by a consumer credit reporting agency; and

“(3) records maintained by commercial entities within the United States pertaining to any travel by the person outside the United States.

“REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

“SEC. 804. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or consumer credit reporting agency such financial records and consumer reports as are necessary in order to conduct any authorized law enforcement investigation, foreign counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United States pertaining to travel by a person outside the United States.

“(2) Requests may be made under this section where—

“(A) the records sought pertain to a person who is or was an employee required, as a condition of access to classified information, to provide consent, during a background investigation, for such time as access to the information is maintained, and for three years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

“(B) there are reasonable grounds to believe, based upon specific and articulable facts available to it, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power, or in the course of any background investigation or reinvestigation, an issue of otherwise unexplained affluence or excessive indebtedness arises.

“(3) Each such request shall—

“(A) be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned and shall certify that—

“(i) the person concerned is an employee within the meaning of paragraph (2)(A);

“(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

“(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

“(B) contain a copy of the agreement referred to in subparagraph (A)(iii);

“(C) identify specifically or by category the records or information to be reviewed; and

“(D) inform the recipient of the request of the prohibition described in subsection (b).

“(4) The authorized investigative agency shall promptly notify the person who is the subject of a request under this section relating to a background investigation or reinvestigation for records, reports, or other information.

“(b) Notwithstanding any other provision of law and except as provided in subsection (a)(4), no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

“(c)(1) Notwithstanding any other provision of law except section 6103 of the Internal Revenue Code of 1986, an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

“(2) Any entity (including any officer, employee or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by an agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

“(d) Subject to the availability of appropriations therefor, any agency requesting records or information under this section may reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

“(e) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only to the agency employing the employee who is the subject of the records or information, to the Department of Justice for law enforcement or foreign counterintelligence purposes, or, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency relating to security determinations, law enforcement, or counterintelligence.

“(f) Any agency that discloses records or information received pursuant to a request under this section in violation of subsection (e) shall be liable to the person to whom the records relate in an amount equal to the sum of—

“(1) \$100, without regard to the volume of records involved;

“(2) any actual damages sustained by the person as a result of the disclosure;

“(3) if the violation is found to have been willful or intentional, such punitive damages as the court may allow; and

“(4) in the case of any successful action to enforce liability, the costs of the action, together with reasonable attorney fees, as determined by the court.

“(g) Nothing in this section shall affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

“DEFINITIONS

“SEC. 805. For purposes of this title—

“(1) the term ‘agency of the legislative branch’ means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal;

“(2) the term ‘authorized investigative agency’ means—

“(A) an agency authorized by law or regulation to conduct foreign counterintelligence investigations or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

“(B) in the case of the House of Representatives, an agency designated by the Speaker of the House;

“(C) in the case of the Senate, an agency designated by the President pro tempore of the Senate;

“(D) in the case of an agency of the legislative branch, an agency designated by the head of such agency; and

“(E) in the case of the judiciary, an agency designated by the Director of the Administrative Office of the United States Courts, under the direction of the Chief Justice of the United States;

“(3) the term ‘classified information’ means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

“(4) the term ‘consumer credit reporting agency’ has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a);

“(5) the term ‘employee’ includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government;

“(6) the term ‘employee of the legislative branch’ means an individual (other than a Member of, and a Resident Commissioner or Delegate to, the Congress) whose salary is paid by—

“(A) the Director of Non-legislative and Financial Services of the House of Representatives;

“(B) the Secretary of the Senate; or

“(C) an agency of the legislative branch;

“(7) the terms ‘financial agency’ and ‘financial institution’ have the meaning given such terms in section 5312 of title 31, United States Code; and

“(8) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

“EFFECTIVE DATE

“SEC. 806. This title shall take effect upon the issuance of a final regulation pursuant to section 802.”

(b) CONFORMING AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by adding at the end the following:

“TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

“Sec. 801. Rule of application.

“Sec. 802. Regulations.

“Sec. 803. Consent for access to financial information.

“Sec. 804. Requests by authorized investigative agencies.

“Sec. 805. Definitions.

“Sec. 806. Effective date.”

SEC. 802. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “With respect to”; and

(2) by adding at the end the following new subsection:

“(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

“(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

“(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an

act of espionage against the United States; or

“(3) leading to the prevention or frustration of an act of espionage against the United States.”.

(b) DEFINITIONS.—Section 3077 of such title is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) ‘act of espionage’ means an activity that is a violation of—

“(A) section 793, 794, or 798 of title 18, United States Code; or

“(B) section 4 of the Subversive Activities Control Act of 1950.”.

(c) CLERICAL AMENDMENTS.—(1) The item relating to chapter 204 in the table of chapters for part II of such title is amended to read as follows:

“204. Rewards for information concerning terrorist acts and espionage 3071”.

(2) The heading for chapter 204 of such title is amended to read as follows:

“CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE”.

SEC. 803. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

“§ 3239. Espionage and related offenses not committed in any district

“The trial for any offense involving a violation of—

“(1) section 793, 794, 798, 952, or 1030(a)(1) of this title;

“(2) section 601 of the National Security Act of 1947; or

“(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, may be in the District of Columbia or in any other district authorized by law.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

“3239. Espionage and related offenses not committed in any district.”.

SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) IN GENERAL.—Section 798 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

“(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)), shall apply to—

“(A) property subject to forfeiture under this subsection;

“(B) any seizure or disposition of such property; and

“(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

“(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

“(5) As used in this subsection, the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.”.

(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—(1) Section 793(h)(3) of such title is amended in the matter preceding subparagraph (A) by striking out “(o)” each place it appears and inserting in lieu thereof “(p)”.

(2) Section 794(d)(3) of such title is amended in the matter preceding subparagraph (A) by striking out “(o)” each place it appears and inserting in lieu thereof “(p)”.

(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

“(e)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

“(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

“(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)) shall apply to—

“(A) property subject to forfeiture under this subsection;

“(B) any seizure or disposition of such property; and

“(C) any administrative or judicial proceeding in relation to such property, if not inconsistent with this subsection.

“(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

“(5) As used in this subsection, the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.”.

SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(d)(1) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attor-

ney General of the United States certifies to the agency administering the annuity or retired pay concerned—

“(A) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

“(B) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

“(C) that such conviction occurred after the date of enactment of this subsection.

“(2) Any certification made pursuant to this subsection shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subparagraphs (A), (B), or (C) of paragraph (1), as certified by the Attorney General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned.”.

SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN PERSONNEL WITHIN THE INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF DEFENSE.

(a) CONSOLIDATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following:

“§ 1599. Post employment assistance regarding certain civilian intelligence personnel

“(a) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist a civilian employee who has been in a sensitive position in an intelligence agency or component of the Department of Defense and who is found to be ineligible for continued access to Sensitive Compartmented Information and employment with the intelligence agency or component, or whose employment with the intelligence agency or component has been terminated—

“(1) in finding and qualifying for subsequent employment;

“(2) in receiving treatment of medical or psychological disabilities; and

“(3) in providing necessary financial support during periods of unemployment.

“(b) Assistance may be provided under subsection (a) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

“(c) The Secretary may, to the extent and in the manner determined by the Secretary to appropriate, delegate the authority to provide assistance under this section.

“(d) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Sen-

ate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.

“(e) For the purposes of this section, the term ‘intelligence agency or component’ means the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Office, and the intelligence components of the military departments.”.

(2) The table of sections of Chapter 81 of such title is amended by adding after the item relating to section 1598 the following new item:

“1599. Post employment assistance regarding certain civilian intelligence personnel.”.

(b) REPEAL OF DUPLICATIVE AUTHORITY.—

(1) DEFENSE INTELLIGENCE AGENCY.—Paragraph (4) of Section 1604(e) of title 10, United States Code, is repealed.

(2) NATIONAL SECURITY AGENCY.—Section 17 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is repealed.

(c) SAVINGS PROVISION.—The repeals made by subsection (b) do not affect rights and duties that matured before the date of enactment of this section.

TITLE IX—INTERDICTION OF AERIAL DRUG TRAFFICKING

SEC. 901. POLICY OF THE UNITED STATES.

It is the policy of the United States to provide intelligence assistance to foreign governments to support efforts by them to intercept aerial drug trafficking. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

SEC. 902. SENSE OF CONGRESS.

The Congress urges the President to review in light of this title all interpretations within the executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER *pro tempore*, Mr. TORRES, announced that the yeas had it.

Mr. GLICKMAN objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

Yeas	410
Nays	16

¶79.8 [Roll No. 336]
YEAS—410

Abercrombie	Bachus (AL)	Bartlett
Ackerman	Baesler	Barton
Allard	Baker (CA)	Bateman
Andrews (ME)	Baker (LA)	Becerra
Andrews (NJ)	Ballenger	Beilenson
Andrews (TX)	Barca	Bentley
Applegate	Barcia	Bereuter
Archer	Barlow	Berman
Armey	Barrett (NE)	Bevill
Bacchus (FL)	Barrett (WI)	Bilbray

Bilirakis	Gephardt	Maloney
Bishop	Geren	Mann
Blackwell	Gibbons	Manton
Bliley	Gilchrest	Manzullo
Blute	Gillmor	Margolies-
Boehlert	Gilman	Mezvinsky
Boehner	Gingrich	Markey
Bonilla	Glickman	Martinez
Bonior	Gonzalez	Matsui
Borski	Goodlatte	Mazzoli
Boucher	Goodling	McCandless
Brewster	Gordon	McCloskey
Brooks	Goss	McCollum
Browder	Grams	McCrery
Brown (FL)	Grandy	McCurdy
Brown (OH)	Green	McDermott
Bryant	Greenwood	McHale
Bunning	Gunderson	McHugh
Burton	Gutierrez	McInnis
Buyer	Hall (OH)	McKeon
Byrne	Hall (TX)	McKinney
Callahan	Hamilton	McMillan
Calvert	Hancock	McNulty
Camp	Hansen	Meehan
Canady	Harman	Meek
Cantwell	Hastert	Menendez
Cardin	Hastings	Meyers
Carr	Hayes	Mfume
Castle	Hefley	Mica
Chapman	Hefner	Michel
Clay	Herger	Miller (CA)
Clayton	Hilliard	Miller (FL)
Clement	Hinchey	Mineta
Clinger	Hoagland	Mink
Clyburn	Hobson	Moakley
Coble	Hochbrueckner	Molinari
Coleman	Hoekstra	Mollohan
Collins (GA)	Hoke	Montgomery
Collins (IL)	Holden	Moran
Collins (MI)	Horn	Morella
Combest	Houghton	Murphy
Condit	Hoyer	Murtha
Conyers	Huffington	Myers
Cooper	Hughes	Nadler
Coppersmith	Hunter	Neal (MA)
Costello	Hutchinson	Neal (NC)
Cox	Hutto	Nussle
Coyne	Hyde	Oberstar
Cramer	Inglis	Obey
Crane	Inhofe	Oliver
Crapo	Inslee	Ortiz
Cunningham	Istook	Orton
Danner	Jacobs	Oxley
Darden	Jefferson	Packard
de la Garza	Johnson (CT)	Pallone
Deal	Johnson (GA)	Parker
DeLauro	Johnson (SD)	Pastor
DeLay	Johnson, E.B.	Paxon
Derrick	Johnson, Sam	Payne (NJ)
Deutsch	Kanjorski	Payne (VA)
Diaz-Balart	Kaptur	Pelosi
Dickey	Kasich	Peterson (FL)
Dicks	Kennedy	Peterson (MN)
Dingell	Kennelly	Petri
Dixon	Kildee	Pickle
Dooley	Kim	Pombo
Doolittle	King	Pomeroy
Dornan	Klecza	Porter
Dreier	Klein	Portman
Dunn	Klink	Poshard
Durbin	Klug	Price (NC)
Edwards (CA)	Knollenberg	Pryce (OH)
Edwards (TX)	Kolbe	Quillen
Emerson	Kopetski	Quinn
Engel	Kreidler	Rahall
English	Kyl	Ramstad
Eshoo	LaFalce	Rangel
Evans	Lambert	Ravenel
Everett	Lancaster	Reed
Ewing	Lantos	Regula
Farr	LaRocco	Reynolds
Fawell	Laughlin	Richardson
Fazio	Lazio	Ridge
Fields (LA)	Leach	Roberts
Fields (TX)	Lehman	Roberts
Filner	Levin	Roemer
Fingerhut	Levy	Rogers
Fish	Lewis (CA)	Rohrabacher
Flake	Lewis (FL)	Rose
Foglietta	Lewis (GA)	Rostenkowski
Ford (MI)	Lewis (KY)	Roth
Ford (TN)	Lightfoot	Roukema
Fowler	Linder	Rowland
Franks (CT)	Lipinski	Roybal-Allard
Franks (NJ)	Livingston	Royce
Frost	Lloyd	Rush
Furse	Long	Sabo
Gallegly	Lowey	Sangmeister
Gejdenson	Lucas	Santorium
Gekas	Machtley	Sarpaluis
		Sawyer

Saxton	Stenholm	Unsoeld
Schaefer	Stokes	Upton
Schenk	Strickland	Valentine
Schiff	Studds	Velazquez
Schumer	Stump	Vento
Scott	Stupak	Visclosky
Serrano	Sundquist	Volkmer
Sharp	Swett	Vucanovich
Shaw	Swift	Walker
Shays	Synar	Walsh
Shepherd	Talent	Waters
Shuster	Tanner	Watt
Skaggs	Tauzin	Waxman
Skeen	Taylor (MS)	Weldon
Skelton	Taylor (NC)	Wheat
Slatery	Tejeda	Whitten
Slaughter	Thomas (CA)	Wilson
Smith (IA)	Thomas (WY)	Wise
Smith (MI)	Thompson	Wolf
Smith (NJ)	Thornton	Woolsey
Smith (OR)	Thurman	Wyden
Smith (TX)	Torkildsen	Wynn
Snowe	Torres	Yates
Solomon	Torricelli	Young (AK)
Spence	Towns	Young (FL)
Spratt	Trafigant	Zeliff
Stearns	Tucker	Zimmer

NAYS—16

Brown (CA)	Hamburg	Schroeder
DeFazio	Johnston	Sensenbrenner
Dellums	Minge	Stark
Duncan	Owens	Williams
Ehlers	Penny	
Frank (MA)	Sanders	

NOT VOTING—8

Gallo	Moorhead	Sisisky
Kingston	Pickett	Washington
McDade	Ros-Lehtinen	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.9 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. GLICKMAN, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

¶79.10 NOTICE REQUIREMENT—MOTION TO INSTRUCT CONFEREES—H.R. 3355

Mr. BONILLA, pursuant to clause 1(c) of rule XXVIII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, be instructed not to agree to any provision having the effect of diminishing the amount of money made available to the United States Border Patrol Service from the amount provided in the House amendment.

¶79.11 PROVIDING FOR THE CONSIDERATION OF H.R. 1188

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 475):

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-